



House of Representatives

General Assembly

File No. 624

January Session, 2011

House Bill No. 6635

House of Representatives, April 26, 2011

The Committee on Judiciary reported through REP. FOX of the 146th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

AN ACT CONCERNING THE COURT SUPPORT SERVICES DIVISION OF THE JUDICIAL BRANCH.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 53a-31 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2011*):

3 (a) A period of probation or conditional discharge commences on
4 the day it is imposed, except that, where it is preceded by a sentence of
5 imprisonment with execution suspended after a period of
6 imprisonment set by the court, it commences on the day the defendant
7 is released from such imprisonment. Multiple periods, whether
8 imposed at the same or different times, shall run concurrently.

9 (b) [Issuance] The issuance of a warrant or notice to appear, or an
10 arraignment following an arrest without a warrant, for violation
11 pursuant to section 53a-32 shall interrupt the period of the sentence [as
12 of the date of such issuance] until a final determination as to the
13 violation has been made by the court. In the absence of a warrant, [or]

14 a notice to appear or an arrest for violation pursuant to section 53a-32,
15 if the defendant has failed to comply with any of the conditions of
16 probation or conditional discharge, such failure shall not relieve the
17 Court Support Services Division from the responsibility of supervising
18 the defendant.

19 (c) Notwithstanding the issuance of a warrant or notice to appear or
20 an arrest without a warrant for violation pursuant to section 53a-32,
21 the defendant shall continue to comply with the conditions with which
22 the defendant was previously required to comply pursuant to section
23 53a-30. The Court Support Services Division shall make reasonable
24 efforts to inform the defendant of the defendant's obligation to
25 continue to comply with such conditions and to provide the defendant
26 with a copy of such conditions.

27 (d) In any case where a person who is under a sentence of probation
28 or of conditional discharge is also under an indeterminate sentence of
29 imprisonment, or a sentence authorized under section 18-65a or 18-73,
30 imposed for some other offense by a court of this state, the service of
31 the sentence of imprisonment shall satisfy the sentence of probation or
32 of conditional discharge unless the sentence of probation or of
33 conditional discharge is revoked prior to parole or satisfaction of the
34 sentence of imprisonment.

35 Sec. 2. Section 54-108 of the general statutes is repealed and the
36 following is substituted in lieu thereof (*Effective July 1, 2011*):

37 (a) Probation officers shall investigate all cases referred to them for
38 investigation by the executive director or by the court. They shall
39 furnish to each person released under their supervision a written
40 statement of the conditions of probation and shall instruct him
41 regarding the same. They shall keep informed of his conduct and
42 condition and use all suitable methods to aid and encourage him and
43 to bring about improvement in his conduct and condition. [Probation
44 officers shall collect and disburse all moneys in accordance with the
45 orders of the judges of the court; shall keep accurate and complete
46 accounts of all moneys received and disbursed in accordance with

47 such orders and shall give receipts therefor, and shall make such
48 reports in writing as the court or director may require. They shall send
49 a record of all probations to the director. Whenever any minor has
50 been arrested, the probation officer shall, as soon after the arrest as
51 practicable, be notified by the police in order that he may, before the
52 trial, ascertain the facts in the case. Pending such investigation the
53 court may commit the accused to the custody of the probation officer.
54 Whenever a minor is in default of bail and is committed to a
55 community correctional center, the Superior Court or, if such court is
56 not in session, any judge thereof, upon application and after notice to
57 the prosecuting authority of the court may order that such minor be
58 committed to the custody of a probation officer pending the
59 disposition of the case. Any such order shall be filed with the clerk of
60 such court, and a certified copy thereof filed with the Community
61 Correctional Center Administrator shall be sufficient warrant for the
62 release of such minor to the custody of the probation officer.]

63 (b) Probation officers shall supervise and enforce all conditions of
64 probation ordered pursuant to section 53a-30.

65 (c) Any interference with any probation officer or with any person
66 placed in his charge shall render the person so interfering liable to the
67 provisions of section 53a-167a.

68 Sec. 3. Subsection (a) of section 54-108d of the general statutes is
69 repealed and the following is substituted in lieu thereof (*Effective July*
70 *1, 2011*):

71 (a) A probation officer may, in the performance of his or her official
72 duties, detain for a reasonable period of time and until a police officer
73 arrives to make an arrest (1) any person who has one or more
74 unexecuted state or federal arrest warrants lodged against him or her,
75 and (2) any person who such officer has probable cause to believe has
76 violated a condition of probation and is the subject of a probation
77 officer's authorization to arrest pursuant to subsection (a) of section
78 53a-32. If a police officer is unable to come to the location where the
79 person is being detained within a reasonable period of time, a

80 probation officer may transport the person to the nearest location
81 where a police officer is able to make an arrest.

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|---|---------------------|------------|
| This act shall take effect as follows and shall amend the following sections: | | |
| Section 1 | <i>July 1, 2011</i> | 53a-31 |
| Sec. 2 | <i>July 1, 2011</i> | 54-108 |
| Sec. 3 | <i>July 1, 2011</i> | 54-108d(a) |

JUD *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

Sections 1 and 2 of the bill make changes regarding probation that reflect current practice and have no fiscal impact.

Section 3 authorizes probation officers, when a police officer is not available, to transport a probationer who has violated a condition of probation to the nearest location where a police officer can make an arrest. The Judicial Department is not expected to incur additional costs as probation officers currently have access to vehicles for the transportation of violators.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis**HB 6635*****AN ACT CONCERNING THE COURT SUPPORT SERVICES
DIVISION OF THE JUDICIAL BRANCH.*****SUMMARY:**

This bill modifies the duties of probation officers by:

1. expressly requiring that they supervise and enforce all court-ordered conditions of probation;
2. extending their supervisory authority over offenders arraigned without a warrant and charged with a probation or condition of release violation;
3. consistent with current practice, relieving them of the responsibilities of collecting and disbursing money;
4. limiting their involvement with arrested juveniles; and
5. allowing them to transport certain detained individuals to the nearest location where a police officer can make an arrest.

EFFECTIVE DATE: July 1, 2011

§ 1 — ARRAIGNMENTS FOLLOWING WARRANTLESS ARRESTS

The bill gives probation officers the same responsibilities for suspects arraigned without a warrant for a probation or condition of release violation as they currently have for individuals charged with the same offenses who come before the court on a notice to appear or an arrest warrant. With respect to the new group, the violation now leads to:

1. an interruption of the sentence until a court makes a final

decision on the current charge;

2. continued probation supervision and the requirement that the offender continue to comply with the conditions of release that were in place before the sentence was interrupted, and
3. the requirement that probation officers make reasonable efforts to inform these defendants of continuing conditions of release.

§ 2 — LIMITING INVOLVEMENT WITH ARRESTED JUVENILES

Under the bill, courts no longer can commit to a probation officer a juvenile who is:

1. committed to a community correction facility and in default on bail or
2. arrested, while his or her case is being investigated.

It removes the related requirement that the police notify probation officers of juvenile arrests as soon as practicable so that the probation officer can conduct an investigation.

§ 3 — TRANSPORTING SUSPECTS

By law, probation officers are required to detain offenders they believe have (1) violated a probation condition or (2) unexecuted state or federal warrants against them. The detention can last for a reasonable time while the probation officer waits for a police officer to come to the scene and make an arrest. When a police officer cannot arrive within a reasonable time, the bill allows the probation officer to transport the detainee to the nearest location where a police officer can make an arrest.

BACKGROUND

Probation and Conditional Discharge

A court may order a defendant, other than one charged with a class A felony, to a period of probation when it finds:

1. present or extended institutional confinement is not necessary;

2. the offender is in need of guidance, training, or assistance which, in the offender's case, can be effectively administered through probation supervision; and
3. such disposition is not inconsistent with the ends of justice.

A court may impose a term of conditional discharge on an offender charged with an offense other than a class A felony if it is of the opinion that:

1. present or extended institutional confinement is not necessary and
2. probation supervision is not required.

In either case the court may issue conditions of release covering such things as working, attending school, or undergoing treatment.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable

Yea 41 Nay 0 (04/06/2011)